

**ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

May 14, 2021

1:31 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Peter Micciche
Senator Gary Stevens
Senator Elvi Gray-Jackson

MEMBERS ABSENT

Senator Joshua Revak, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 126

"An Act extending the termination date of the Board of Public Accountancy; and providing for an effective date."

- MOVED HB 126 OUT OF COMMITTEE

SENATE BILL NO. 131

"An Act relating to the presumption of compensability for a disability resulting from certain diseases for firefighters."

- MOVED SB 131 OUT OF COMMITTEE

SENATE BILL NO. 41

"An Act relating to health care insurers; relating to availability of payment information; relating to an incentive program for electing to receive health care services for less than the average price paid; relating to filing and reporting requirements; relating to municipal regulation of disclosure of health care services and price information; and providing for an effective date."

- BILL HEARING CANCELED

SENATE BILL NO. 38

"An Act relating to the practice of naturopathy; establishing the Naturopathy Advisory Board; relating to the licensure of naturopaths; relating to disciplinary sanctions for naturopaths;

relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 126

SHORT TITLE: EXTEND BOARD OF PUBLIC ACCOUNTANCY

SPONSOR(s): REPRESENTATIVE(s) THOMPSON

03/05/21	(H)	READ THE FIRST TIME - REFERRALS
03/05/21	(H)	L&C, FIN
03/31/21	(H)	L&C AT 3:15 PM BARNES 124
03/31/21	(H)	Heard & Held
03/31/21	(H)	MINUTE(L&C)
04/02/21	(H)	L&C AT 8:00 AM GRUENBERG 120
04/02/21	(H)	Moved HB 126 Out of Committee
04/02/21	(H)	MINUTE(L&C)
04/05/21	(H)	L&C RPT 4DP
04/05/21	(H)	DP: KAUFMAN, SCHRAGE, SNYDER, SPOHNHOLZ
04/13/21	(H)	FIN AT 1:30 PM ADAMS 519
04/13/21	(H)	Heard & Held
04/13/21	(H)	MINUTE(FIN)
04/20/21	(H)	FIN AT 9:00 AM ADAMS 519
04/20/21	(H)	Moved HB 126 Out of Committee
04/20/21	(H)	MINUTE(FIN)
04/21/21	(H)	FIN RPT 11DP
04/21/21	(H)	DP: ORTIZ, EDGMON, LEBON, THOMPSON, JOHNSON, WOOL, JOSEPHSON, RASMUSSEN, CARPENTER, MERRICK, FOSTER
04/21/21	(H)	TRANSMITTED TO (S)
05/04/21	(H)	VERSION: HB 126
05/05/21	(S)	READ THE FIRST TIME - REFERRALS
05/05/21	(S)	L&C, FIN
05/10/21	(S)	FIN AT 9:00 AM SENATE FINANCE 532
05/10/21	(S)	Scheduled but Not Heard
05/10/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
05/10/21	(S)	<Bill Hearing Rescheduled to 05/14/2021>
05/14/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 131

SHORT TITLE: WORKERS' COMP DISABILITY FOR FIREFIGHTERS

SPONSOR(s): SENATOR(s) HOLLAND

04/28/21	(S)	READ THE FIRST TIME - REFERRALS
----------	-----	---------------------------------

04/28/21	(S)	CRA, L&C
05/06/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/06/21	(S)	Heard & Held
05/06/21	(S)	MINUTE(CRA)
05/11/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/11/21	(S)	-- MEETING CANCELED --
05/13/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/13/21	(S)	Moved SB 131 Out of Committee
05/13/21	(S)	MINUTE(CRA)
05/14/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE STEVE THOMPSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 126.

KRIS CURTIS, Legislative Auditor

Legislative Audit Division

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Discussed the sunset audit of the Board of Public Accountancy during the hearing on HB 126.

LESLIE SCHMITZ, Chair

Board of Public Accountancy

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community and Economic Development

Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for HB 126.

CRISTA BURSON, President and CEO

Alaska Society of CPAs

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 126.

SARA CHAMBERS, Director

Division of Corporations, Business, and Professional Licensing

Department of Commerce, Community and Economic Development

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 126.

SENATOR ROGER HOLLAND

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 131.

NIKKI ROSE, Staff
Senator Roger Holland
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 131 on behalf of the sponsor.

LORI WING-HEIR, Director
Division of Insurance
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Answered questions and provided information on SB 131.

CHARLES COLLINS, Director
Division of Workers Compensation
Department of Labor and Workforce Development
Juneau, Alaska

POSITION STATEMENT: Testified that the division was neutral on SB 131.

TIM BENNINGFIELD, Fire Chief
Chugiak Fire Department; and representing
Alaska Fire Chiefs Association
Chugiak, Alaska

POSITION STATEMENT: Testified in support of SB 131.

ACTION NARRATIVE

[1:31:06 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Gray-Jackson, Micciche, and Chair Costello. Senator Stevens arrived soon thereafter.

HB 126-EXTEND BOARD OF PUBLIC ACCOUNTANCY

[1:31:45 PM](#)

CHAIR COSTELLO announced the consideration of HOUSE BILL NO. 126 "An Act extending the termination date of the Board of Public Accountancy; and providing for an effective date."

[1:32:01 PM](#)

REPRESENTATIVE STEVE THOMPSON, Alaska State Legislature, Juneau, Alaska, introduced HB 126 paraphrasing the following sponsor statement:

HB 126 extends the termination date for the Board of Public Accountancy for eight years until June 30, 2029.

Legislative Audit conducted their review of this board and concluded that "...the board served the public's interest by conducting meetings in accordance with state laws, amending certain regulations to improve the public accountancy occupation, and effectively licensing and regulating certified public accountants and partnerships/corporations engaged in the practice of public accountancy."

The Board of Public Accountancy consists of seven members appointed by the Governor. Five members are certified public accountants or public accountants, and two members are public members.

Extending the Board of Public Accountancy is critical in protecting the public interest by ensuring that only qualified persons are licensed, and that appropriate standards of competency and practice are established and enforced.

REPRESENTATIVE THOMPSON disclosed that his wife is a CPA and past member of the Board of Public Accountancy.

[1:33:36 PM](#)

KRIS CURTIS, Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, Juneau, Alaska, stated that the Division of Legislative Audit conducted a sunset audit of the Board of Public Accountancy the purpose of which was to determine whether the board is serving the public's interest and should be extended.

She reported that the audit concluded that the board served the public's interest by conducting meetings in accordance with state law, by amending certain regulations to improve the occupation, and by effectively licensing and regulating certified public accountants and those engaged in public accountancy. The division recommends that the legislature extend the board for 8 years, which is the maximum allowed by statute.

[1:34:23 PM](#)

MS. CURTIS directed attention to the standard licensing statistics on page 5 of the audit [copies in members' packets].

She said the exhibit shows that as of January 2020, there were 1,320 active licenses and permits in the state. This is a 10 percent increase compared to the prior 2012 sunset audit. The auditors found that the reason for the increase was that Alaska is among the few states that does not require a Social Security number for licensure. This resulted in the board receiving many international applications.

She directed attention to the list of board revenues and expenditures on page 7. As of the end of FY2019, the board had a surplus of just more than \$84,000. The schedule of fees is on page 8.

MS. CURTIS said the audit recommends, on page 11, that the Division of Corporations, Business, and Professional Licensing's chief investigator ensure timely completion of investigations. Auditors found that from July 2016 through January 2020, 101 or 40 percent of those cases were open for more than 180 days. A review of five of those cases found that two had periods of unjustified inactivity ranging from 64-219 days.

MS. CURTIS directed attention to the response to the audit on page 21. She reported that the commissioner of the Department of Commerce, Community, and Economic Development agreed with the conclusions of the report except for the conclusion that 40 percent of investigations took over six months to complete. The commissioner stated, "The Division of Corporations, Business, and Professional Licensing has no control over how an investigation will unfold or how long it will take, and it does not have a policy that all investigations should be completed within any specific timeframe." She highlighted that the commissioner did authorize an additional investigative supervisor to reduce caseloads.

[1:36:32 PM](#)

MS. CURTIS stated that the commissioner also took exception to the conclusion that the use of technology had affected the board's operations, arguing that the existing technology tools have been successful for all the boards.

MS. CURTIS directed attention to the response from the chair of the board that begins on page 25. The chair did not disagree with the conclusions but did highlight a disagreement that the board is having with the division about what constitutes essential travel.

[1:37:07 PM](#)

CHAIR COSTELLO asked for the number of licensed CPAs in the state.

MS. CURTIS answered that there are 1,118, including herself and many of her staff.

CHAIR COSTELLO moved to invited testimony.

1:37:52 PM

LESLIE SCHMITZ, Chair, Board of Public Accountancy, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, stated that she was serving her eighth and final year on the board. She thanked the Division of Legislative Audit for recommending the 8-year extension for the board. She stated that the board tries to be interactive with stakeholders, the public, and licensees and attempts to stay active at the national level to address issues that affect the profession. She reported that the board also maintains ongoing projects to update its statutes and regulations to stay current with national trends. On behalf of the board, she thanked the committee for hearing HB 126.

1:39:03 PM

CHAIR COSTELLO opened public testimony on HB 126.

1:39:20 PM

CRISTA BURSON, President and CEO, Alaska Society of CPAs (Alaska-CPA), Anchorage, Alaska, stated support for HB 126 and extending the termination date for the Board of Public Accountancy for the maximum eight years. She said this board operates in the public's interest and provides appropriate regulatory oversight of Alaska licensed CPAs. The board is inclusive of all interested parties and it has a positive and collaborative relationship with Alaska-CPA. She thanked the committee for its consideration of the bill.

1:40:21 PM

CHAIR COSTELLO closed public testimony on HB 126. She asked Sara Chambers to comment on the timeliness of investigations. She offered her understanding that the board is not responsible for the timing of an investigation once it starts.

1:41:03 PM

SARA CHAMBERS, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community and Economic Development, Juneau, Alaska, stated that investigative timeliness is the responsibility of the division investigators.

None of the cases Ms. Curtis mentioned related to board action. Rather, they were delays that sometimes occur through the normal investigative process such as life, health, and safety matters, which receive priority above most other investigations for the CPA Board. The concern she and Ms. Curtis discussed is that the division is not adequately documenting the rationale for the delays. That is not a board responsibility but it is a reporting criterion of the audit.

CHAIR COSTELLO asked for the number of division investigators the number of boards and commissions in the state.

MS. CHAMBERS answered that the division oversees 43 licensing programs and it has 18 professional investigators. She noted that some of the programs have multiple investigators working on them and some programs, like the CPA Board, share one investigator among several boards.

CHAIR COSTELLO asked if COVID-19 affected the timeliness of the investigations.

MS. CHAMBERS said no; in fact, the efficiencies the division has been working on over the last year have shortened the average closure time for cases by 100 days.

1:45:14 PM

CHAIR COSTELLO asked her to provide information on the timeliness of all the investigations the division undertakes.

MS. CHAMBERS agreed to run the report and forward it to the committee as soon as possible.

1:45:49 PM

SENATOR GRAY-JACKSON moved to report HB 126, work order 32-LS0429\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO found no objection and HB 126 was reported from the Senate Labor and Commerce Committee.

1:46:15 PM

REPRESENTATIVE THOMPSON thanked the committee for its consideration.

1:46:26 PM

At ease

SB 131-WORKERS' COMP DISABILITY FOR FIREFIGHTERS

[1:49:17 PM](#)

CHAIR COSTELLO announced the consideration of SENATE BILL NO. 131 "An Act relating to the presumption of compensability for a disability resulting from certain diseases for firefighters."

[1:49:37 PM](#)

SENATOR ROGER HOLLAND, Alaska State Legislature, Juneau, Alaska, sponsor of SB 131, stated that the scientific studies and the statistics of breast cancer among firefighters provides a clear and compelling argument for adding this disability coverage for firefighters.

[1:50:34 PM](#)

SENATOR STEVENS joined the committee.

[1:50:43 PM](#)

NIKKI ROSE, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, read the sponsor statement for SB 131 into the record.

Firefighting is an inherently dangerous job. It is important that workers compensation insurance provides coverage for the inherent risks in that job, but right now there is a hole in that coverage: breast cancer. This bill would add breast cancer to the list of presumed disability coverages for firefighters, so long as the firefighter could establish medically that the breast cancer was caused by work as a firefighter.

Instances of cancer in firefighters is shown to be higher than the general population. Studies that have evaluated cancer risk among women firefighters suggest women firefighters, like their male coworkers, may be at an elevated risk for overall cancer incidence (Daniels et al., 2014). These studies also suggest women firefighters may be at an elevated incidence risk for breast cancer (Daniels et al., 2014). This bill protects not only women, because exposure to carcinogenic chemicals, which is sometimes necessary in the course of a firefighter's job, does not discriminate based on sex or gender. Exposure to these chemicals may be mitigated, but not eliminated, through protective equipment. Firefighters are at a higher risk of cancer, and this risk should be covered.

CHAIR COSTELLO asked if there were questions.

1:52:22 PM

SENATOR STEVENS said he supports the concept but he has concerns about the language on page 3 that talks about breast cancer being caused by an individual's work as a firefighter. He asked the reason for the limitation.

SENATOR HOLLAND suggested he show the PowerPoint "Senate Bill 131 WORKERS' COMPENSATION DISABILITY FOR FIREFIGHTERS" to clarify the reasoning. He read the following:

Firefighting is an inherently dangerous job.

It is important that workers compensation insurance provides coverage for the inherent risks in that job.

SENATOR HOLLAND explained that firefighting has two sources of risk. One is being inside a burning structure where burning pieces are falling. The second is breathing and absorbing the carcinogens from the burning structure and its contents.

Currently, there is an oversight in Alaska Statutes regarding that coverage: Breast Cancer.

SB 131 would add breast cancer to the list of presumed disability coverages for firefighters, so long as the firefighter could establish that the breast cancer was caused by their work as a firefighter.

SENATOR HOLLAND asked Senator Stevens if his question was about presumed disability.

SENATOR STEVENS said yes but he wondered how a disability could be scientifically proven to be the result of exposure during firefighting as opposed to before or after that employment. He noted that he would error on the side of the employee.

SENATOR HOLLAND responded that presumed disability is covered toward the end of the PowerPoint.

1:54:50 PM

SENATOR HOLLAND continued to read the text from the PowerPoint.

Instances of cancer in firefighters is shown to be higher than the general population.

Studies that have evaluated cancer risk among women firefighters suggest women firefighters, like their male coworkers, may be at an elevated risk for overall cancer incidence (Daniels et al, 2014).

These studies also suggest women firefighters may be at an elevated incidence of risk for breast cancer (Daniels et al, 2014).

In the general population, less than one percent of males are likely to develop breast cancer in their lifetime.

Studies have found strong associations between firefighting and male breast cancer (Ma et al, 2005).

Male firefighters are 7.5 times more likely to die from breast cancer than their non-Fire Service counterparts. (Ma et al, 2005)

The same mechanism that would cause increases in breast cancer in men is thought to result in proportional increases in risk among women.

[1:55:52 PM](#)

SENATOR HOLLAND read the following excerpt from a May 5, 2021, letter from Paul Miranda, president of the Alaska Professional Firefighters Association, to emphasize the need for presumptive laws on this issue for both male and female firefighters.

Although breast cancer is much rarer in men, one of our former male members in Fairbanks experienced a long battle with breast cancer that was determined to be directly related to his job as a 42 year fire fighter. In 2017, Fairbanks Fire Chief Warren Cummings passed away after battling breast cancer that had metastasized into other areas of his body.

[1:56:29 PM](#)

SENATOR HOLLAND continued the PowerPoint reading the general statistics on slides 5 and 6.

[1:56:35 PM](#)

In the general population, less than one percent of males are likely to develop breast cancer in their lifetime.

Studies have found strong associations between firefighting and male breast cancer (Ma et al, 2005).

Male firefighters are 7.5 times more likely to die from breast cancer than their non-Fire Service counterparts. (Ma et al, 2005)

The same mechanism that would cause increases in breast cancer in men is thought to result in proportional increases in risk among women.

In the general population, one in eight women (12 %) will likely contract breast cancer in their lifetime.

At only about four percent of the firefighter population, small sample sizes make it difficult to draw conclusions about females and breast cancer in the Fire Service.

This bill protects not only women, because exposure to carcinogenic chemicals, which often occurs in the normal course of a firefighter's job, does not discriminate based on sex or gender.

SENATOR HOLLAND reviewed presumptive laws reading the text on slides 7 and 8.

Presumptive laws are regulations that assume a given disease is linked, by default, to a specific occupation.

This means that when someone is diagnosed with an illness covered under a presumptive law, they are automatically entitled to disability or workers' compensation, medical expense coverage, and medical leave, provided they meet certain criteria.

Without presumptive laws, to get these benefits, firefighters and other workers may have to prove that their line of work caused their disease.

This process can be lengthy and expensive at a time when resources should be dedicated toward treatment, wellness, and, sometimes, end-of-life decisions.

1:58:10 PM

SENATOR HOLLAND read the text on slide 9

Alaska Statute 23.30.121.

Breast Cancer would join the existing list, including:

1. Respiratory Disease
2. Cardiovascular Events (Limited)
3. Primary Brain Cancer
4. Malignant Melanoma
5. Non-Hodgkin's Lymphoma
6. Bladder Cancer
7. Ureter Cancer
8. Kidney Cancer
9. Prostate Cancer

1:58:34 PM

SENATOR HOLLAND read the qualifying criteria on slides 11 and 12.

Once added to the list, several standard limitations would apply. The firefighter must:

1. Have been a firefighter for at least seven years,
2. Have had initial and annual medical exams showing no evidence of disease,
3. Be able to demonstrate exposure to a known carcinogen while in the Fire Service,
4. At a minimum, be certified as a Firefighter I.

Other qualifying criteria would apply, including:

1. Coverage may be denied based on:
 - a. Use of tobacco products,
 - b. Physical fitness and weight,
 - c. Lifestyle decisions,
 - d. Hereditary factors, and
 - e. Exposure from other employment/non-employment activities.

1:59:48 PM

2. Some post-employment coverage is available,
 - a. Three months accrued for every year of service,

b. Five year maximum.

SENATOR HOLLAND advised that the two greatest risks for breast cancer are being female and being over 50 years of age. He noted that even with hereditary factors, it is possible to show evidence that somebody's breast cancer is linked to their service as a firefighter.

2:00:43 PM

SENATOR HOLLAND displayed the list on slide 13 of states confirmed to have presumptive laws that include breast cancer. He expressed his hope to add Alaska to this list.

1. Arizona	6. Maine	11. New York
2. Arkansas	7. Maryland	12. Oregon
3. Colorado	8. Missouri	13. Virginia
4. Idaho	9. Montana	14. Wisconsin
5. Iowa	10. New Mexico	15.

2:01:07 PM

CHAIR COSTELLO asked what entity makes the decision about the presumptive law.

SENATOR HOLLAND deferred the question to the Director of Insurance Lori Wing-Heier or Fire Chief Benningfield.

CHAIR COSTELLO noted that in an earlier conversation, he gave the impression that it was an oversight that breast cancer was not included in Alaska's presumptive law. She asked if that was accurate.

SENATOR HOLLAND said he believes it was an oversight. Statistics show that male firefighters are 7.5 times more likely to die of breast cancer than males who are not firefighters and he believes that as more women enter the firefighting profession the incidence of breast cancer for this group will be proportionately higher compared to women who are not firefighters.

2:03:08 PM

LORI WING-HEIER, Director, Division of Insurance, Department of Commerce, Community and Economic Development, Anchorage, Alaska, explained that the process for a typical workers' compensation claim would be that an adjuster would look at the laws and findings and make a determination. If the claim were denied, the remedy available to the firefighter would be an appeal to the Workers' Compensation Board or in court.

CHAIR COSTELLO asked if anyone asked the division to have an adjuster look at breast cancer even though it is not in the list of presumptive conditions.

MS. WING-HEIER replied she did not know about workers' compensation but nobody had approached the Division of Insurance.

CHAIR COSTELLO asked if the administration had a position on the bill.

MS. WING-HEIER answered that the administration is neutral on the bill. She added that there is no data to show that this would increase costs. In fact, workers' compensation has come down significantly in the last few years.

2:05:00 PM

SENATOR STEVENS asked how the presumptive law works.

MS. WING-HEIER explained that after a diagnosis, an adjuster would look at the cause. She noted that workers' compensation usually looks at injury but an occupational injury would require a deeper dive into how the person contracted the condition. This would include a look at the person's medical and occupational histories as well as hobbies to narrow it down to the presumption that the person had a clean lifestyle and there was no other contributing cause for the breast cancer.

SENATOR STEVENS said his concern was that insurance companies never want to pay but he appreciated the comments.

CHAIR COSTELLO offered her understanding that if there was a hereditary link to breast cancer, the individual would not fall under the presumptive laws.

MS. WING-HEIER replied that factor would be carefully reviewed before saying the presumption was not that they were a firefighter but that it was hereditary.

2:06:41 PM

SENATOR MICCICHE pointed out that the conditions already on the presumptive list are about workers' compensation and he believes that breast cancer clearly belongs on the list too.

MS. WING-HEIER replied that coverage under workers' compensation would provide lifetime medical and lost wages that health insurance may not pay for.

2:08:33 PM

SENATOR STEVENS asked for confirmation that volunteers have no coverage under workers' compensation.

MS. WING-HEIER answered no; most volunteer firefighters are covered under a workers' compensation policy. The potential difficulty is that the person must have a physical before they start work and annually thereafter to determine whether or not cancer is present. A finding of cancer after employment would trigger the presumption, but many smaller municipalities and volunteer fire departments cannot afford the annual physicals, and that would exclude those firefighters.

CHAIR COSTELLO asked Mr. Collins to provide testimony and answer any questions he heard in the foregoing discussion.

2:09:48 PM

CHARLES COLLINS, Director, Division of Workers Compensation, Department of Labor and Workforce Development (DOLWD), Juneau, Alaska, referenced the questions about presumption and explained that unless a medical professional finds that the injury or disease was caused by the person's work, the case would not be accepted as a workers' compensation claim. He said prostate cancer was added to the presumptive list under AS 23.30.121 about six years after the law passed in August 2008 and he believes that adding breast cancer at this time is a natural progression.

MR. COLLINS agreed with Ms. Wing-Heier that volunteer firefighters would be covered if they had a physical before they started work and each year thereafter for seven years, and they held a firefighter I certificate or greater. He acknowledged that the bar was high. He said the division's records indicated that the cost to workers' compensation to add breast cancer coverage would be minimal, although there is no actuarial data for some of the larger municipalities because they are self-insured so the evidence is not definitive. He advised that the division had a neutral position on the bill.

2:14:15 PM

CHAIR COSTELLO asked if an individual would be able to retroactively assert that their visit to a doctor was related to a workers' compensation claim.

MR. COLLINS replied that is not generally an issue. In fact, medical professionals often alert the division that there is a work-related claim in process.

2:15:50 PM

SENATOR STEVENS asked if a firefighter could work in several different fire departments to meet the seven years of work requirement.

MR. COLLINS answered yes, and deferred further explanation to Chief Benningfield or Justin Mack.

CHAIR COSTELLO asked Chief Benningfield to provide his testimony and answer any questions from the foregoing discussion that relate to his experience.

2:16:52 PM

TIM BENNINGFIELD, Fire Chief, Chugiak Fire Department, Chugiak, Alaska, stated that he was representing the Alaska Fire Chiefs Association. He explained that AFCA picked up this issue after recognizing the gap in the presumptive law. He said he is personally interested in the issue because 32 percent of firefighters in the Chugiak Fire Department are females. His belief is that Alaska has more women firefighters than other states so it is important for Alaska to fill this gap. He acknowledged other gaps in the presumptive law, but said breast cancer is the biggest discrepancy and that gap needs to be filled.

CHIEF BENNINGFIELD confirmed that a firefighter could work in several different fire departments to meet the seven years of work requirement. However, he wanted to point out that if breast cancer were added to the list of presumptive diseases today, nobody at the Chugiak Fire Department would be covered by this presumptive legislation seven years from today. He said that has to do with the fact that it is cost prohibitive for a fire department like Chugiak, and the majority of volunteer fire departments statewide, to provide the initial medical examination and annual examinations for seven years.

CHIEF BENNINGFIELD concluded, "We will likely never benefit from this presumptive legislation. However, we are adamant that we want to work hard for all of our departments across the state."

CHAIR COSTELLO thanked him for his service.

[2:20:32 PM](#)

SENATOR STEVENS asked what the known carcinogens are in burning buildings.

CHIEF BENNINGFIELD answered that certified level 1 firefighters operate in an IDLH [immediately dangerous to life or health] atmosphere where hundreds of known carcinogens contaminate gear and leach through skin.

[2:22:21 PM](#)

SENATOR GRAY-JACKSON asked him to clarify the statement that volunteer fire departments would not be covered by the bill.

CHIEF BENNINGFIELD replied that the legislation covers volunteer fire departments but most volunteer departments cannot afford the required annual medical examinations.

[2:23:54 PM](#)

CHAIR COSTELLO opened public testimony on SB 131; finding none, she closed public testimony.

[2:24:07 PM](#)

At ease

CHAIR COSTELLO reconvened the meeting and solicited a motion.

[2:24:30 PM](#)

SENATOR GRAY-JACKSON moved to report SB 131, work order 32-LS0598\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO found no objection and SB 131 was reported from the Senate Labor and Commerce Standing Committee.

SENATOR HOLLAND thanked the committee and said he hopes this is just the first step in fixing problems with the presumptive law. He shared that he might address the number of required medical examinations in a future bill.

[2:25:56 PM](#)

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:25 p.m.